

FILED

Mar 01 2021

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAMON NAVARRO LUPERCIO,

Petitioner,

v.

VISALIA POLICE DEPARTMENT,

Respondent.

Case No. 21-01023 NC (PR)

ORDER OF TRANSFER

Petitioner, a state prisoner at San Quentin State Prison, has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2255. Petitioner challenges his state conviction from the Superior Court of Tulare County. Venue for a habeas action is proper in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). However, petitions challenging a conviction or sentence are preferably heard in the district of conviction. *See* Habeas L.R. 2254-3(b)(1); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968). Here, because petitioner challenges a conviction from Tulare County, the Eastern District of California is the district of conviction.

Case No. 21-01023-NC (PR)
ORDER OF TRANSFER

1 Accordingly, this case is **TRANSFERRED** to the United States District Court for the
2 Eastern District of California. *See* 28 U.S.C. § 1406(a). The Clerk shall terminate all pending
3 motions and transfer the entire file to the Eastern District of California.

4 **IT IS SO ORDERED.**

5 DATED: March 1, 2021



NATHANAEL M. COUSINS
United States Magistrate Judge

United States District Court
Northern District of California